

2008 Instructions for Form 540-ES Estimated Tax For Individuals

What's New

Registered Domestic Partners (RDP)

For purposes of California income tax, references to a spouse, a husband, or a wife also refer to a Registered Domestic Partner (RDP) unless otherwise specified. When we use the initials (RDP) they refer to both a California Registered Domestic Partner and a California Registered Domestic Partnership, as applicable. For more information on RDPs, get FTB Pub. 737, Tax Information for Registered Domestic Partners.

Round Cents to Dollars – Beginning with the 2007 tax forms, round cents to the nearest whole dollar. For example, round \$50.50 up to \$51 or round \$25.49 down to \$25.

A Purpose

Use this form, with the instructions and the 2008 Estimated Tax Worksheet, to determine if you owe estimated tax for 2008 and to figure the required amounts. Estimated tax is the tax you expect to owe in 2008 after subtracting the credits you plan to take and tax you expect to have withheld.

If you need to make a payment for your 2007 tax liability or make a separate payment for any balance due on your 2007 tax return, use form FTB 3519, Payment for Automatic Extension for Individuals, or form FTB 3567, Installment Agreement Request, or call (800) 338-0505.

Generally, the required estimated tax amount is based on the lesser of 90% of the current year's tax or 100% of the prior year's tax including Alternative Minimum Tax (AMT).

Certain taxpayers are limited in their use of the prior year's tax as a basis for figuring their estimated tax. See paragraph C below for more information. Check for estimated payments we've received by going to our Website at www.ftb.ca.gov and search for **my account**.

Increasing your withholding could eliminate the need to make a large payment with your tax return. To increase your withholding, complete Employment Development Department (EDD) Form DE 4, Employee's Withholding Allowance Certificate, and give it to your employer's appropriate payroll staff. You can get this form from your employer, or by calling EDD at (888) 745-3886. You can download the Form DE 4 at EDD's Website at www.edd.ca.gov or by going to our Website at www.ftb.ca.gov and search for **DE 4**.

Form DE 4 specifically adjusts your California state withholding and is not the same as the federal Form W-4, Employee's Withholding Allowance Certificate.

B Who Must Make Estimated Tax Payments

Generally, you must make estimated tax payments if you expect to owe at least \$200 (\$100 if married/RDP filing separately) in tax for 2008 (after subtracting withholding and credits) and you expect your withholding and credits to be less than the smaller of:

- 90% of the tax shown on your 2008 tax return.
- The tax shown on your 2007 tax return including AMT.

Note:

- You do not have to make estimated tax payments if you are a nonresident or new resident of California in 2007 and did not have a California tax liability in 2007.
- If you are a military servicemember not domiciled in California, do not include your military pay in your computation of estimated tax payments. For additional information, get FTB Pub. 1032, Tax Information for Military Personnel.

If you and your spouse/RDP paid joint estimated tax payments, but are now filing separate returns, either of you may claim all of the amount paid, or you may each claim part of the joint estimated payments. If you want the estimated tax payments to be divided, notify the FTB before the end of the tax year in which you wish to file separate returns so that the payments can be applied to the proper account. The FTB will accept in writing, any divorce agreement (or court ordered settlement) or a statement showing the allocation of the payments along with a notarized signature of both taxpayers. The statements should be sent to:

JOINT ESTIMATE CREDIT ALLOCATION MS F225
TAXPAYER SERVICES CENTER
FRANCHISE TAX BOARD
PO BOX 942840
SACRAMENTO CA 94240-0040

C Limit on the Use of Prior Year's Tax

Individuals who are required to make estimated payments, and whose 2007 adjusted gross income is more than \$150,000 (or \$75,000 if married/RDP filing separately), must figure estimated tax based on the lesser of 90% of their tax for 2008 or 110% of their tax for 2007 including AMT. This rule does not apply to farmers or fishermen.

D When to Make Your Estimated Tax Payments

For estimated tax purposes, the year is divided into four payment periods. Each period has a specific payment due date. If you do not pay enough tax by the due date of each of the payment periods, you may be charged a penalty even if you are due a refund when you file your income tax return. The payment periods and due dates are:

For the payment period:

January 1 through March 31, 2008
April 1 through May 31, 2008
June 1 through August 31, 2008
Sept. 1 through Dec. 31, 2008

File and Pay by:

April 15, 2008
June 16, 2008
September 15, 2008
January 15, 2009

Filing an Early Return In Place of the 4th Installment. If you file your 2008 tax return by January 31, 2009, and pay the entire balance due, you do not have to make your last estimated tax payment. In addition, you will not owe a penalty for the fourth installment.

Annualization Option. If you do not receive your taxable income evenly during the year, it may be to your advantage to annualize your income. This method allows you to match your estimated tax payments to the actual period when you earned the income. You may use the annualization schedule included with the 2007 form FTB 5805, Underpayment of Estimated Tax by Individuals and Fiduciaries.

Farmers and Fishermen. If you are a farmer or fisherman, and at least two-thirds of your 2007 and 2008 gross income is from farming or fishing, you may do either of the following:

- Pay all of your estimated tax by January 15, 2009.
- File your tax return for 2008 on or before March 3, 2009, and pay the total tax due. In this case, you need not make estimated tax payments for 2008. Use the 2007 form FTB 5805F, Underpayment of Estimated Tax by Farmers and Fishermen, to determine if you paid the required estimated tax. If the estimated tax is underpaid, attach the completed form FTB 5805F to the back of your return.

Fiscal Year. If you file your return on a fiscal year basis, your due dates will be the 15th day of the 4th, 6th, and 9th months of your fiscal year and the 1st month of the following fiscal year. If the due date falls on a Saturday, Sunday, or legal holiday, use the next business day.

Mental Health Services Tax. If your taxable income or nonresident CA source taxable income is more than \$1,000,000, compute the Mental Health Services Tax below.

A. Taxable income from Form 540A, line 19; Form 540, line 19; or Long Form 540NR, line 22	
B. Less:	\$(1,000,000)
C. Subtotal	
D. Multiply line C by 1%	x .01
E. Mental Health Services Tax – Enter this amount on line 17 of the 2008 Estimated Tax Worksheet on the next page	

E How to Use Form 540-ES Payment Voucher

Use the Estimated Tax Worksheet and your 2007 California income tax return as a guide for figuring your 2008 estimated tax. Be sure that the amount shown on line 21 of the Estimated Tax Worksheet has been reduced by any overpaid tax on your 2007 tax return which you chose to apply toward your 2008 estimated tax payment.

Note:

- Form 540-ES is not an application for an installment agreement. If you have a financial hardship and cannot pay your taxes in full, you may request to make monthly installment payments. Go to our Website at www.ftb.ca.gov and search for **installment agreement booklet**.
- If you filed Form 540 2EZ for 2007, do not use the Form 540 2EZ instructions for figuring amounts on this worksheet. Instead, get the 2007 California 540 & 540A Personal Income Tax Booklet.

There is a separate payment voucher for each due date. Please be sure you use the voucher with the correct due date shown in the top margin of the voucher. Complete Form 540-ES using black or blue ink:

- Print your name, address, and social security number or individual taxpayer identification number in the space provided on Form 540-ES. If you have a foreign address, enter the information in the following order: City, Country, Province/Region, and Postal Code. Follow the country's practice for entering the postal code. **Do not** abbreviate the country name.
- Complete the amount of payment line of the voucher by entering the amount of the payment that you are sending. Your entry must match the amount you are sending.
- Paying your tax:

Web Pay – To make a payment online or to schedule a future payment (up to one year in advance), go to our Website at www.ftb.ca.gov and search for **web pay**. **Do not mail the voucher to us.**

Credit card – Go to our Website at www.ftb.ca.gov and search for **pay by credit card** or call (800) 272-9829. You will be charged a fee for this service. **Do not mail the voucher** if you pay by credit card.

Check or money order – Make your check or money order payable to the "Franchise Tax Board." Write your social security number or individual taxpayer identification number and "2008 Form 540-ES" on it and mail to the address on the voucher.

Make all checks and money orders payable in U.S. dollars and drawn against a U.S. financial institution.

- Complete the Record of Estimated Tax Payments on the next page for your files.
- Fiscal year filers:** Enter the month of your fiscal year end (located directly below the form's title).

F Failure to Make Estimated Tax Payments

If you do not make the required estimate payments, if you pay an installment after the date it is due, or if you underpay any installment, a penalty may be assessed on the portion of estimated tax that was underpaid from the due date of the installment to the date of payment or the due date of your tax return, whichever is earlier. Refer to the 2007 form FTB 5805 for more information.

2008 California Estimated Tax Worksheet Keep this worksheet for your records.

- 1 Residents: Enter your estimated 2008 California AGI. Nonresidents and part-year residents: Enter your estimated 2008 total AGI from all sources. If you are a military servicemember not domiciled in California, do not include your military pay 1 _____
- 2 a If you plan to itemize deductions, enter the estimated total of your itemized deductions 2a _____
- b If you do not plan to itemize deductions, enter the standard deduction for your filing status:
\$3,516 single or married/RDP filing separately
\$7,032 married/RDP filing jointly, head of household, or qualifying widow(er) 2b _____
- c Enter the amount from line 2a or line 2b, whichever applies 2c _____
- 3 Subtract line 2c from line 1. 3 _____
- 4 Tax. Figure your tax on the amount on line 3 using the 2007 tax table for Form 540, Form 540A, or Long Form 540NR. Also include any tax from form FTB 3800, Tax Computation for Children with Investment Income; form FTB 3803, Parents' Election to Report Child's Interest and Dividends 4 _____
- 5 **Residents:** Skip to line 6a. **Nonresidents and part-year residents:**
- a Enter your estimated California taxable income from Schedule CA (540NR), Part IV, line 49 5a _____
- b Compute the CA Tax Rate: Tax on total taxable income from line 4 5b _____
Total taxable income from line 3
- c Multiply the amount on line 5a by the CA Tax Rate on line 5b 5c _____
- 6 a **Residents:** Enter the exemption credit amount from the 2007 instructions for Form 540 or Form 540A 6a _____
- b **Nonresidents or part-year residents:** Enter the CA credit proration percentage. Divide line 5a by line 3. If more than 1 enter 1.0000 6b _____
- 7 **Nonresidents:** CA prorated Exemption credits. Multiply the total exemption credit amount by line 6b. 7 _____
- 8 **Residents:** Subtract line 6a from line 4. **Nonresidents or part-year residents:** Subtract line 7 from line 5c 8 _____
- 9 Tax on accumulation distribution of trusts. See instructions for form FTB 5870A, Tax on Accumulation Distribution of Trusts 9 _____
- 10 Add line 8 and line 9 10 _____
- 11 Credits for joint custody head of household, dependent parent, senior head of household, and child and dependent care expenses. **Nonresidents and part-year residents:** For the child and dependent care expenses credit, use the amount from your 2007 Long Form 540NR, line 50. For the other credits listed on line 11, multiply the total 2007 credit amount by the ratio on line 6b. 11 _____
- 12 Subtract line 11 from line 10. 12 _____
- 13 Other credits (such as other state tax credit). See the 2007 instructions for Form 540, Form 540A, or Long Form 540NR 13 _____
- 14 Subtract line 13 from line 12. 14 _____
- 15 Interest on deferred tax from installment obligations under IRC Sections 453 or 453A 15 _____
- 16 Alternative Minimum Tax. See Schedule P (540 or 540NR) 16 _____
- 17 Mental Health Services Tax Worksheet, line E, from page 15 17 _____
- 18 2008 Estimated Tax. Add line 14 through 17. Enter the result, but not less than zero. 18 _____
- 19 a Multiply line 18 by 90% (.90). Farmers and fishermen multiply line 18 by 66 2/3% (.6667). 19a _____
- b Enter the sum of line 30, line 31, and line 32 from your 2007 Form 540; line 34 from Form 540A; or the sum of line 38, line 39, and line 40 from your Long Form 540NR. 19b _____
- c Enter the amount from your 2007 Forms 540 or 540A, line 17; or Long Form 540NR, line 21 19c _____
- d Is the amount on line 19c more than \$150,000 (\$75,000 if married/RDP filing separately)?
Yes. Go to line 19e. **No.** Enter the lesser of line 19a or line 19b. Skip line 19e and 19f and go to line 20. 19d _____
- e Multiply 110% (1.10) by the sum of line 30, line 31, and line 32 from your 2007 Form 540; line 34 from Form 540A; or the sum of line 38, line 39, and line 40 from your Long Form 540NR. 19e _____
- f Enter the lesser of line 19a or line 19e and go to line 20. 19f _____
- Caution:** Generally, if you do not prepay at least the amount on line 19d (or 19f if no amount on line 19d), you may owe a penalty for not paying enough estimated tax. To avoid a penalty, make sure your estimated tax on line 18 is as accurate as possible. If you prefer, you may pay 100% of your 2008 estimated tax (line 18).
- 20 California income tax withheld and estimated to be withheld during 2007 (include withholding on pensions, annuities, etc.) 20 _____
- 21 **Balance.** Subtract line 20 from line 19d (or line 19f if no amount on line 19d). If less than \$200 (or less than \$100, if married/RDP filing separately), you do not have to make a payment at this time. 21 _____
- 22 **Installment** amount. Divide the amount on line 21 by 4. Enter the result here and on each of your Forms 540-ES. If you will earn your income at an uneven rate during the year, see Annualization Option in the instructions under paragraph D. 22 _____

Record of Estimated Tax Payments

Payment voucher number	(a) Date	(b) Web Pay/Credit Card and confirmation number	(c) Amount paid	(d) 2007 overpayment applied	(e) Total amount paid and credited add (c) and (d)
1			\$	\$	\$
2					
3					
4					
Total			\$	\$	\$